

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN PHILLIP WALKER, JR.,

Plaintiff,

No. 2:20-cv-00164-MV-KRS

v.

GENESIS EXTRACTIONS, LLC,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiff initiated this action on February 26, 2020. Since that time, Plaintiff has taken no action to prosecute this matter or serve Defendant. Under Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendant within ninety days from filing the complaint. Plaintiff has not complied with this rule or requested an extension of time for service of process. Federal Rule of Civil Procedure 41(b) allows the Court to dismiss an action where the part fails to prosecute his lawsuit. The record reflects no activity on Plaintiff's part. Before taking the drastic action of dismissing this case, however, the Court will permit Plaintiff to explain why he has not complied with the rules.

IT IS, THEREFORE, ORDERED that Plaintiff show cause in writing on or before **June 26, 2020**, why this case should not be dismissed for failure to prosecute and/or serve Defendant.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE